

Town Council Meeting: 13 March 2006



Town of Garrett Park
PO Box 84
4600 Waverly Avenue
Garrett Park, MD 20896

Regular Meeting of Town Council
Garrett Park Town Hall
10814 Kenilworth Avenue
Garrett Park, MD 20896

MINUTES

Call to Order: Mayor Shawaker called the meeting to order at 8:00 PM. Present were Councilmembers Altar, Bennett, Benjamin, Soltan, and Wegner, Town Administrator Pratt, reporters from the *Garrett Park Bugle* and *The Montgomery County Gazette*, and a number of Town residents.

Approval of Agenda: Councilmember Benjamin asked that consideration of parking restrictions on Rokeby Avenue be added to the agenda as an action item, which was agreed to without objection.

Presentations by Citizens: Gene Brantly of 4604 Strathmore Avenue spoke to the Council as a spokesperson for the Strathmore Avenue residents who were involved in the retaining wall veneer projects. He stated that they were not here to negotiate, but simply wanted to be certain the Council understood their concerns with the right-of-entry agreement that the Town had asked them to sign. The first concern was with the Town's proposed perpetual right of entry to maintain the veneer if the Town felt that the property owner was not properly maintaining the veneer. Also, the property owners did not feel they should have the burden of enforcing the warranty.

Kay Austin, also of 4604 Strathmore Avenue, stated that she was most concerned about the recording of the agreement and felt it would reduce the value of her property.

Jim Lockwood of 4606 Strathmore Avenue stated that the current proposed agreement was not acceptable and that the Town had unilaterally ended the agreement with SHA to use concrete form liners.

Nikki Hume of 4424 Strathmore thanked Hans for his work on the project and his willingness to listen to and work with the residents affected by the Strathmore Avenue project. She further stated that she had previously lived in a house to which stone veneer had been improperly applied and she wanted the Town to be certain that in this case the veneer on the walls was properly installed and that the warranty was carefully enforced.

Resident Dick Fischman asked that given the concern about the cost to the Town of installing the veneer, what authority would the Town have to enforce proper maintenance without the proposed agreement.

Councilmember Wegner asked that everyone try to expedite the process in that it was planned to let the contractor, Quality Stone Veneer, Inc., use the pool parking lot as a staging area.

Mayor's Report: Mayor Shawaker reported that she had been continuing her work in Annapolis on the MML Legislative committee.

Councilmember's Reports: Councilmember Wegner reported that he had met with Brian Boyer, the Strathmore Avenue project site engineer for SHA. Brian had reported that the installation of new bulbs, ballasts, and lenses in the street lamps along Strathmore had been completed and all that was needed was for Pepco to connect them to the power grid. However, he said it was the Town's responsibility to get Pepco to act. Also, the new planting plan had not yet been completed. However, the installation of new asphalt curbing to replace Town curbs damaged during construction had been finished, as well as various concrete repairs.

Approval of Minutes:

- Councilmember Altar **MOVED**
That the minutes of the regular Town Council meeting of 01/09/2006 be approved with Councilmember Benjamin's corrections. Councilmember Wegner seconded the motion, which **PASSED** unanimously
- Minutes of the Town Council Meeting of 02/13/2006 were not yet ready for review.

Action/Discussion:

- Appointment of Election Judges – Mayor Shawaker reported that she wished to appoint election Judges for the May 1st 2006 Town election as follows:
Chief Judge – Barbara Shidler
Judge – Linda Knowles
Judge – Shirin Keyani
Alternate Judge – Jim Agenbroad
Mayor Shawaker asked for the Council to approve the appointments.
Councilmember Benjamin **MOVED**
That the Town Council approve the Mayor's election judge appointments for the 2006 Town Election. Councilmember Soltan seconded the motion, which **PASSED** unanimously.
- Declaration of April as Municipal Government Works Month – Mayor Shawaker asked that the Council consider a resolution establishing April as Municipal Month. After a brief discussion, the Mayor withdrew her request.
- Introduction of Ordinance 2006-02: The FY 2007 Operating & Capital Budget and FY 2006 Tax Rate – Mayor Shawaker asked Councilmember Benjamin to introduce the FY 2007 Budget Ordinance. Councilmember Benjamin **MOVED**
That Ordinance 2006-02, the Town Operating and Capital Budget for

fiscal year 2007, be introduced, and that the Town reduce its current Real Property Tax Rate to nineteen cents (19¢) per one-hundred dollars (\$100) of assessed valuation, and retain its Corporate and Personal Property Tax Rate of one dollar (\$1.00) per one-hundred dollars (\$100) of assessed valuation. Councilmember Wegner seconded the motion. Mayor Shawaker asked for discussion on the motion. (A copy of the ordinance is attached to these minutes)

Councilmember Benjamin referred the Council and audience to a comparison of the FY2005, FY 2006, and FY 2007 budgets (A copy is attached to these minutes), reviewed projected revenues and explained that given the recent increases in property valuations, the FY 2007 budget proposed reducing the Town's real property tax rate by 5% in order to provide some relief to taxpayers. A review of the projected revenues showed, he said, the Town could afford to do this and still fund a sound operating budget and make needed capital investments.

Councilmember Soltan stated that there is one issue upon which members of the Council disagree, and that is whether or not to lower the tax rate. He pointed out that the budget invests a significant amount of money into the development of a long-range capital plan, that there is strong evidence that the Town should be spending substantial sums on road repairs even this year – money that the Town lacks at this time. There is strong evidence that the proposed capital program would be quite expensive. Hence, he said it appeared to him that the Town should first do the planning and then, when the planning is done the Town will know what the actual financial difficulties are going to be – how much the plan is going to cost - that would be the right time to see what the tax rate is going to be. And, at the moment there are very substantial expenditures that are coming very soon, so it would seem not the right time to have a tax rate cut. It seemed to him the better thing to do would be to proceed without the tax-rate cut in this budget, and when the Town knew what the needed expenditures are going to be because of the plan then the Council can decide on a more systematic basis what the tax rate for the longer term should be. So, on that issue and that issue alone he would vote against this budget.

Councilmember Altar said that he would support the budget, that it was well put together, identified adequate revenues, and that the addition of new homes should over time more than offset the reduced tax rate in terms of revenues received. Also, he was concerned about elderly residents on fixed incomes being forced out of their homes by rising taxes.

Councilmember Bennett pointed out that raising or lowering the tax rate by a penny averaged out to approximately \$60 per house, not a substantial impact on the taxpayer. He felt that maintaining the current tax rate and having the Town save funds against future capital expenditures was the better way to proceed.

Councilmember Wegner commented that he saw no way the Town could “save its way” out of the challenges that faced it. Hopefully, the Town's resources would expand in the future, but that meanwhile the Town had to

balance its investment in needed capital projects, as contemplated in the proposed budget, while recognizing the growing tax burden that increasing property values created. He would support the budget, he said.

Mayor Shawaker noted that even with the reduction in the tax rate and continued funding of significant capital projects; the proposed budget contained a generous contingency in the operating budget, a substantial capital budget, and funding for the development of an infrastructure plan.

Resident Dick Fischman commented that he generally agrees with the proposed budget. Capital planning is a long-term process, he said, and the plan must be developed in order for the Town to have a reasonably accurate understanding of what was really needed. The plan will serve to guide the future prioritizing of projects and the setting of tax rates.

Mayor Shawaker called for the vote on the motion to introduce ordinance 2006-02 and set the FY 2007 tax rates, which **PASSED**, with Councilmembers Altar, Benjamin, and Wegner voting "Aye," and Councilmembers Bennett and Soltan voting "Nay."

Councilmember Benjamin **MOVED**

That the rate for municipal refuse collection, yard waste collection, large item pickup, and recycling in fiscal year 2007 be set at \$320 per household, being the total amount budgeted for this service (\$115,000) divided by the number of homes in Garrett Park (360). Councilmember Soltan seconded the motion, which **PASSED** unanimously.

- Report on National Flood Insurance Program - Administrator Pratt reviewed information regarding the National Flood Insurance Program (NFIP) provided by the Federal Emergency Management Administration (FEMA), as well as information supplied by Montgomery County on its Multi-Hazard Mitigation Plan. Both FEMA and the County wanted the Town to join their respective programs, Administrator Pratt reported. After a brief discussion it was the sense of the Council that Administrator Pratt find out if any residents were interested in obtaining flood insurance, what the implications of joining the program might be on citizens pursuing building permits from the County, and that more information be provided on the Multi-hazard Mitigation Plan.

Information: There was none.

Town Administrator Report: Town Administrator Pratt referred the Council to the Monthly Financial statements and reminded the Council that the annual Constant Yield Hearing would be held during the April meeting.

Councilmember Altar **MOVED**

That upon adjournment the Council goes into executive session for the purpose of discussing the acquisition of real estate for a public purpose. The motion was seconded by Councilmember Soltan and **PASSED** unanimously.

Adjournment: There being no further business, the regular meeting was adjourned at 9:30 PM

Respectfully Submitted

[TOWN SEAL]

Edwin Pratt, Jr., Clerk-Treasurer